

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1-9 and 11-21 remain in the application and have not been amended.

New dependent claims 20 and 21 have been added.

Claims 7-10 are canceled in view of an Election made earlier in the prosecution.

The Examiner objected to claim 3 in view of language that was considered to be unclear.

Claim 3 has been amended to define the invention more clearly.

Claims 1-9 and 11-19 were rejected under 35 USC 103(a) as being obvious over Kielpikowski et al. (US 4,842,596). The Examiner identified the elements of Kielpikowski et al. that were considered to correspond to the claims.

The Kielpikowski et al. reference is directed to a disposable wearing article that has a front part, a back part and a crotch part in which shirring is formed. However, the shirring of Kielpikowski et al. is not formed in a widthwise middle portion of the crotch part of the main body as to shorten a space between the front and back part of the wearing article. Rather, the shirring of the Kielpikowski et al. reference is formed in the widthwise edge portions of the crotch part, and therefore shortens the edge portions of the crotch part for fitting an absorbing insert on the user's body.

The office action refers to FIG. 2 of Kielpikowski et al. as teaching that the shirring is in a substantially widthwise middle portion of the crotch part 94 of the main body to shorten the substantially widthwise middle portion in a direction coupling the front and back part and thereby retaining the wavy shape of the widthwise middle portion. The

applicant respectfully disagrees with the conclusions drawn by the Examiner. FIG. 2 of Kielpikowski et al. shows that two longitudinally extending crotch elastic members are applied on a pair of flaps and are put on opposite widthwise edges of the crotch part. The flaps are shortened longitudinally as the elastic members shorten so that the opposed widthwise edge portions of the crotch part of Kielpikowski et al. are shorter than the widthwise middle portion of the crotch part of Kielpikowski et al.

The 35 USC 103(a) rejection is an acknowledgement that the Kielpikowski et al. reference does not teach the invention set forth in claims 1-9 and 11-19. However, the rejection implies that the skilled artisan would somehow be led from Kielpikowski et al. to the claimed invention. The applicant respectfully disagrees with this conclusion. The Kielpikowski et al. reference clearly teaches that the opposite left and right widthwise edge portions of the crotch part of a disposable wearing article should be shortened without providing any structure to shorten the widthwise middle portion of the crotch part. As a result, the Kielpikowski et al. reference would lead the skilled artisan away from the claimed invention, which positively recites shirring "formed in a substantially widthwise middle portion of the crotch part of the main body as to shorten a space between the front and back parts." The Kielpikowski et al. reference results in a pulling up of the widthwise edge portions of the crotch part toward the wearer and toward the trunk opening. Hence, regions of the Kielpikowski et al. crotch part between these widthwise edge portions are free to deform away from the wearer and away from the trunk opening of the wearing article.

In contrast, the claimed invention provides a shirring in a substantially widthwise middle portion of the crotch part of the main body to shorten a space between

the front and back parts in the crotch part of the wearing article. As explained in the paragraph of the application bridging pages 10 and 11, the specific claimed disposition of the shirring pulls the crotch part PR upward in a direction from the leg openings toward the trunk opening to form a gore upon wearing the wearing article. This aspect of the claimed invention is set forth with particular clarity in original dependent claim 3.

The Kielpikowski et al. reference also does not teach or suggest a crotch part configured relative to the remainder of the wearing article so that a ratio of the length of the crotch part along the forward and backward directions to a length between the pair of waste edges is 1:15 to 1:2. As explained in the specification, the claimed dimension of the crotch part is effective for achieving a desirable external appearance for the wearing article.

For the preceding reasons, it is submitted that the invention defined by original independent claim 1 and its dependent claims 2-9 and 11-21 is not taught or suggested by Kielpikowski et al.

Respectfully submitted,



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